

COASTAL CONSERVANCY

Staff Recommendation

May 27, 2004

ALVISO MARINA SHORELINE ACCESS IMPROVEMENTS

File No. 98-063

Project Manager: Amy Hutzell

RECOMMENDED ACTION: Authorization to disburse up to \$500,000 to the Santa Clara County Parks and Recreation Department to construct shoreline access and recreation improvements at Alviso Marina County Park.

LOCATION: The community of Alviso at the southern edge of San Francisco Bay, in the City of San Jose, Santa Clara County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location Map

Exhibit 2: Aerial Photograph

Exhibit 3: Project Design

Exhibit 4: Letters of Support

Exhibit 5: Final Environmental Impact Report

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to Santa Clara County for construction of access and recreation improvements at Alviso Marina County Park, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy (“Executive Officer”) has reviewed and approved in writing a final work program, including a budget and schedule; a sign plan acknowledging Conservancy funding; and any contractors to be employed in the project.
 2. Prior to initiating construction, Santa Clara County shall provide written evidence to the Executive Officer that all permits and approvals necessary to the implementation and completion of the project under applicable local, state and federal laws and regulations have been obtained.”
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Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource and recreational goals of San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has reviewed the Environmental Impact Report for the Alviso Marina Park Master Plan, adopted by the County of Santa Clara on October 21, 1997 to comply with the California Environmental Quality Act and attached as Exhibit 5 to the accompanying staff recommendation, and finds, consistent with the Conservancy’s findings of April 27, 2000, that there is no substantial evidence that, with the mitigations and mitigation monitoring proposed, the elements encompassed in the increased scope of Conservancy participation in the project may have a significant effect on the environment. The Conservancy further finds that:
 - a. There is no evidence before the Conservancy that the elements encompassed in the increased scope of Conservancy participation in the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined in Cal. Fish and Game Code Section 711.2.
 - b. The Conservancy has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5.d regarding the potential for adverse effects of the increased scope of Conservancy participation in the project on wildlife resources as defined under Cal. Fish and Game Code Section 711.2.”

PROJECT SUMMARY:

This authorization would enable Santa Clara County (County) to construct shoreline access and recreation improvements at the Alviso Marina County Park. The County completed an extensive public planning process that included preparation and evaluation of alternative site development options, which are contained in the Alviso Marina County Park Master Plan (Master Plan). A Final Environmental Impact Report with a preferred alternative was adopted by the County in 1997.

The Master Plan calls for a two-phased development (see Exhibit 3 for design). Conservancy funds will be used to construct Phase I elements, namely expanded and improved staging areas, interpretive and directional signs, trails connecting to residential areas, businesses, and regional trail systems, a wildlife observation platform, observation seating areas, a 2,500-square-foot observation boardwalk crossing the former marina basin, removal of derelict and silted marina docks and walkway floats overgrown with vegetation, new picnic areas, improved landscaping, entrance improvements, and parking lot reconfiguration for improved parking efficiency. Phase II, which will be primarily funded by the California Department of Boating and Waterways, will consist of expansion of shoreline access improvements, benches, landscaping, a new and larger boat launch ramp for access to Alviso Slough and San Francisco Bay, an access road, and parking for boat trailers.

The proposed shoreline access and recreation improvements will provide much needed recreational improvements in the Alviso community. These improvements will serve a regional population from the metropolitan region of the City of San Jose and the entire South Bay, home to approximately three million people. It will be one of only a few locations in the south bay to access the San Francisco Bay shoreline, and the only location south of Redwood City with a public boat launch facility. The project is immediately adjacent to the South Bay Salt Pond Restoration Project, which will eventually include public access and recreation improvements. The Alviso Marina County Park is an important component of existing and future recreational opportunities along the South Bay shoreline, and demonstrates the Conservancy's dedication to public access in the South Bay.

The mission of the Santa Clara County Parks and Recreation Department is to provide, protect, and preserve regional parklands for the enjoyment, education, and inspiration of this and future generations. The Parks and Recreation Department was formed in 1956, and currently the regional parks system includes 27 park units encompassing nearly 45,000 acres. The Conservancy has successfully worked with the County on the Alviso Marina project since 1999 (see the "Project History" section below) and has ranked the construction of the access and recreation improvements as a high priority with regional recreational significance.

Site Description: The community of Alviso is a district of the City of San Jose and is located at the southernmost part of the San Francisco Bay shoreline (Exhibit 1). Alviso is bordered on the north by extensive salt evaporation ponds and wetlands that are part of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) and provide valuable wildlife habitat for endangered species and migratory birds. The 29-acre Alviso Marina County Park is at the north end of Alviso, to the immediate south of the Refuge, and adjacent to Alviso Slough, which connects the Guadalupe River to San Francisco Bay.

The Park has significant natural resources and is a staging area for regionally significant trails. Existing park features include an abandoned marina, a former boat launch ramp, a public restroom building, parking area, and a trail. As of 1997, the marina boat docks have not been usable due to high rates of sedimentation. The former marina basin now supports thick stands of vegetation and wetlands species. The park once provided the only public boat access point to the San Francisco Bay south of Redwood City. The boat launch was marginally usable by very small boats at high tide until two years ago, when siltation and vegetation finally prevented any further use. The location of the proposed boat launch is directly on Alviso Slough, a deeper channel with lower sedimentation rates and greater scour rates.

Trails within the Park connect to a 10-mile network of levee trails, which are part of the Refuge. In addition, the park site is a staging and resting area along the San Francisco Bay Trail, which will eventually be a 400-mile trail circling San Francisco Bay. Public access and recreation improvements will serve the local community and a regional population in the South Bay, and be an important component of the future public access and recreation proposed as part of the South Bay Salt Pond Restoration Project.

Project History: Originally covered by tidal salt marshes, the Alviso Marina County Park is part of an area that was diked between 1940 and 1970 to create salt evaporation ponds. In 1964, Santa Clara County purchased a 15-acre site and subsequently another 14-acre parcel from Leslie Salt (predecessor to Cargill Salt) for construction of a marina. A 76-slip marina was constructed in 1968. High sedimentation rates required maintenance dredging that was too costly to allow con-

tinued operation of the site as a marina. County funding constraints inspired a reassessment of the most appropriate use for the site. A series of environmental and planning analyses was done between 1974 and 1990, and in 1992, community representatives requested that the County Parks and Recreation Commission undertake improvements to the park site. A new planning process was initiated with extensive involvement of residents, neighboring landowners, recreational users, environmental groups, and representatives of relevant public agencies. This process was completed in 1997 and resulted in release of the Alviso Marina Master Plan, which recommended the proposed public access improvements. The Environmental Impact Report was adopted by the County in 1997, and permits from regulatory agencies have been acquired.

In April of 1999, the Conservancy authorized \$150,000 to the County to develop construction plans and cost estimates for the public access and recreation improvements recommended in the Master Plan. Delays in design occurred because the Santa Clara Valley Water District (District) desired to integrate flood protection measures associated with the Guadalupe River Project. The District will be constructing a flood control levee alongside Alviso Slough as part of the Phase 1 effort. The County has now successfully completed the development of construction plans and cost estimates, has acquired the necessary permits, and is ready to implement the project. In April of 2000, the Conservancy authorized the use of \$150,000 of funds previously authorized to the Association of Bay Area Governments (ABAG) for the San Francisco Bay Trail Project, for trail improvements, the new boardwalk across the former marina basin, installation of benches, and trailhead signs and maps at Alviso Marina County Park, and made related findings under the California Environmental Quality Act. This authorization will complete the funding needed for the Phase 1 project.

PROJECT FINANCING:

Phase 1 (access and recreation improvements)

Coastal Conservancy	\$ 500,000
ABAG's San Francisco Bay Trail Project (previously authorized Conservancy funds)	150,000
County Parks Charter Funds	207,000
Proposition 12 Roberti-Z'berg-Harris Block Grant	200,000
Santa Clara Valley Water District (flood control improvements)	<u>1,250,000</u>
Phase 1 Total Cost	\$2,307,000

Phase 2 (boat ramp and associated improvements)

California Department of Boating and Waterways	<u>\$3,000,000</u>
Phase 2 Total Cost	<u>3,000,000</u>

Total Project Cost	\$5,307,000
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It is anticipated that the Conservancy's funding will come from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40) appropriation for the San Francisco Bay Area Conservancy Program.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31163, to address recreational goals in the San Francisco Bay Area.

Alviso Marina County Park is in the area required under § 31162 of the Public Resources Code, which authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area.

Under § 31162(a), the Conservancy may undertake projects to improve public access to and around the Bay that do not have a significant adverse impact on environmentally sensitive areas and wildlife, such as wetlands, through completion of regional trails, local trails connecting to population centers and public facilities and which are part of a regional trail system, and through the provision of related facilities. The construction of improvements at Alviso Marina will complete segments of Bay Trail and connecting trails, and other recreational components, and have been planned to be compatible with wildlife.

Consistent with § 31163(c), the Alviso Marina County Park improvements would implement the policies and programs of the *San Francisco Bay Plan*, as described in the "Consistency with the San Francisco Bay Plan" section of this staff recommendation.

Under § 31162(d), the Conservancy may act to promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes. Alviso Marin County Park will provide an important open space resource that is accessible to nearby South Bay populations for recreational purposes.

Consistent with § 31163(c), public access and recreation improvements at Alviso Marina County Park meets the following criteria: (1) is supported by adopted regional plans (the *San Francisco Bay Plan*, the *County of Santa Clara's General Plan*, the *Alviso Marina County Park Master Plan*, and the *Bay Trail Plan*); (2) serves a regional constituency (the Park will provide a regional recreational resource); (3) can be implemented in a timely way (construction will begin in 2004); and (5) includes matching funds (described under the "Project Financing" section above).

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 11 Objective A**, the proposed project would help the Conservancy implement a project that increases the amount of land accessible to the public and provide trails, picnic areas, and parking lots.

Consistent with **Goal 11 Objective B**, the proposed project would help the Conservancy complete 0.5 miles of the San Francisco Bay Trail.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Local support includes State Senator Liz Figueroa, State Assemblywoman Sally J. Lieber, Alviso residents, the City of San Jose, and Santa Clara Valley Water District (see Exhibit 4 for letters). Master planning included various state and federal agencies such as State Lands Commission, California Department of Fish and Game, San Francisco Bay Conservation and Development Commission, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers.
4. **Location:** Alviso Marina County Park is in the nine-county San Francisco Bay Area, consistent with § 31162 of the Public Resources Code.
5. **Need:** The Conservancy funding would complete the budget for the Phase 1 work, allowing the project to be constructed in 2004.
6. **Greater-than-local interest:** The improved recreational and access resources, new boat launch, and Bay Trail elements at the Alviso Marina County Park will serve the local community of Alviso and residents of Santa Clara County, home to one million people. The recreational and access elements, particularly the Bay Trail element, will also serve as a resource for people throughout the San Francisco Bay Area and beyond.

Additional Criteria

7. **Urgency:** The improvements at the Alviso Marina County Park are ready to be constructed this year. The planning, design, and environmental clearances have been completed and there is significant community support that could be lost if the project is delayed.
8. **Resolution of more than one issue:** The improvements at Alviso Marina County Park will provide for a staging and resting area on the Bay Trail, enhance recreational opportunities for an urban population, provide for access to the Don Edwards San Francisco Bay National Wildlife Refuge, and provide one of the only boat access points in the South Bay.
9. **Leverage:** See the "Project Financing" section above.
11. **Readiness:** Santa Clara County is prepared to construct this project in 2004 and has secured the majority of funding. The project is ready-to-go.
13. **Realization of prior Conservancy goals:** This authorization builds on two previous authorizations by the Conservancy: in April of 1999 to disburse \$150,000 for development of construction plans and cost estimates for the Alviso Marina County Park improvements and in April of 2000 to disburse \$150,000 of funds previously authorized to ABAG for the San Francisco Bay Trail Project, to fund trail improvements, the new boardwalk across the former marina basin, installation of benches, and trailhead signs and maps.
15. **Cooperation:** The project is a cooperative effort between Santa Clara County, the community of Alviso, Santa Clara Valley Water District, ABAG's San Francisco Bay Trail Project, and the Coastal Conservancy, along with other funders, regulatory agencies, and community members.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

This project promotes public access opportunities along the San Francisco Bay shoreline in San Jose, and is consistent with the following Policies Concerning Public Access to the Bay, in Part IV of the San Francisco Bay Conservation and Development Commission's San Francisco Bay Plan (2003):

Policies

8. Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat.
10. Federal, state, regional, and local jurisdictions, special districts, and the Commission should cooperate to provide appropriately sited, designed, and managed public access, especially to link the entire series of shoreline parks, regional trail systems (such as the San Francisco Bay Trail) and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources. State, regional, and local agencies that approve projects should assure that provisions for public access to and along the shoreline are included as conditions of approval and that the access is consistent with the Commission's requirements and guidelines.

The proposed project is consistent with Policy 8 in that the access and recreation improvements at Alviso Marina County Park include parking lot reconfiguration, new and improved bayfront trails and walkways, improved access to a 10-mile loop trail through the Refuge, picnic areas, and interpretive signs that improve the recreational experience. The proposed project is consistent with Policy 10 in that many public agencies cooperated to plan the project to increase public access to the Bay Trail without significant adverse effects on natural resources.

COMPLIANCE WITH CEQA:

Santa Clara County, as the lead agency under the provisions of the California Environmental Quality Act (CEQA), prepared and certified an Environmental Impact Report (EIR) for the Alviso Marina County Park Master Plan on October 21, 1997 and filed a Notice of Determination on October 24, 1997 (see Exhibit 5).

The Master Plan includes elements proposed for funding by the Conservancy, namely expanded and improved staging areas, interpretive and directional signs, trails connecting to residential areas, businesses, and regional trail systems, a wildlife observation platform, observation seating areas, a 2,500-square-foot observation boardwalk crossing the former marina basin, removal of derelict and silted marina docks and walkway floats overgrown with vegetation, new picnic areas, improved landscaping, entrance improvements, and parking lot reconfiguration for improved auto-parking efficiency.

The Master Plan also includes elements that are not the subject of this action, namely a boat launch ramp and a 26-trailer parking lot on the edge of Alviso slough. The County Board of Supervisors found that, with one exception, the proposed mitigations and the mitigation-monitoring program included in the EIR would reduce the environmental effects to insignificance. The County Board did adopt a Statement of Overriding Considerations for one unavoidable impact

not related to the portion of the project funded by the Conservancy (effects of locating the boat trailer parking facility within 100 feet of a riparian corridor).

In April of 2000, the Conservancy authorized ABAG to disburse \$150,000 of previously authorized Conservancy funds for construction of several of the Master Plan elements at Alviso Marina County Park, namely the trail improvements, the new boardwalk across the former marina basin, installation of benches, and trailhead signs and maps. At that time, the Conservancy determined that the project, as mitigated, would not have a significant effect on the environment, and filed a CEQA Notice of Determination. This authorization would provide additional funding for the elements of the Master Plan funded by the Conservancy in April 2000, as well as for the following additional elements of the Master Plan: removal of derelict and silted marina docks and walkway floats, new picnic areas, parking lot reconfiguration, entrance improvements, expanded and improved staging areas, and improved landscaping. Neither the overall project nor the surrounding circumstances have changed since April 2000.

The EIR discusses a number of potential environmental impacts of the additional elements of the project for which Conservancy funds would be used under the current authorization, and includes mitigation and monitoring requirements to compensate.

With respect to potential geological effects, the County's Policies and Standards pertaining to grading and erosion control will be followed to control wind and water erosion of soil during construction. With respect to potential hydrological and water quality effects, the County will take the following steps and monitor them: signs will be posted and replaced as necessary to warn visitors that park features are subject to the hundred-year flood and will close the park during flood events; grease separator traps will be installed in the parking lot and cleaned annually to reduce water quality impacts from surface runoff. The EIR also notes the potential for tsunamis resulting from earthquakes, but concludes that the effect will be less than significant and that no mitigation is plausible.

With respect to potential biological effects, the County will take the following steps and monitor them: breeding season surveys for endangered California clapper rails will be conducted the season before construction is planned following U.S. Fish and Wildlife Service protocols, and if breeding clapper rails are found, the marina basin components, including the dock and pier removal work, will be constructed outside of the clapper rail breeding and fledging season which occurs from February 15 to August 31, a predator management plan will be developed, and the boardwalk will be closed to public use from February 15 to August 31 (three clapper rail surveys have been conducted to date by the County and no clapper rails have been detected); approximately 18,000 feet of existing marina floats will be removed and use of the existing boat ramp will be discontinued to mitigate for potential destruction of saltmarsh yellowthroat habitat and disturbance to birds during nesting season; the removal of the piers and docks in the marina basin will be conducted outside clapper rail and salt marsh yellowthroat breeding season (February 15 to August 31) if birds are breeding on the site, piers will be cut off at the mud line, and docks will be floated out at a 6.5-foot or higher tide into Alviso Slough, to mitigate for temporary impacts on the local habitat, including disturbance of rare species and destruction of existing vegetation; signs will be installed at waist level to avoid increasing perches for raptors, trashcans will be designed to prevent access by animals and will be maintained regularly to avoid attracting predators which could prey on rare and sensitive species, and signs will be installed that discourage visitors from feeding wildlife.

With respect to archeological effects, in the unexpected event that archaeological artifacts are found, work will stop within 150 feet of the find and the County Advanced Planning Office will be contacted. Archeological resources will be protected and evaluated by a qualified professional archaeologist. In the unlikely event that human skeletal remains are found, the County Coroner will be immediately notified and no further disturbance of the site will be made except as authorized by the County Coroner. With respect to Public Service and Utilities, the increased demand for maintenance will be included in the County's maintenance plan and annual budget.

Conservancy staff has reviewed the EIR and recommends that the Conservancy, as a CEQA responsible agency, find that, with the mitigations and monitoring proposed, there is no substantial evidence that funding the removal of derelict and silted marina docks and walkway floats, new picnic area construction, parking lot reconfiguration, entrance improvements, expanded and improved staging areas, and improved landscaping will have a significant effect on the environment, as defined in 14 Cal. Code of Regulations § 15382. Staff also believes that the project will not have an adverse effect on wildlife resources as defined in Fish and Game Code § 711.2. Upon the Conservancy's approval of the proposed authorization, staff will file a Notice of Determination.